

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARY TULLIE CRITCHER *et al.*

Case No. 1:18-cv-05639-JGK

Plaintiffs,

v.

L'OREAL USA, INC.,

Defendant

**DEFENDANT'S NOTICE OF MOTION AND  
MOTION TO DISMISS FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that defendant L'Oreal USA, Inc., hereby moves to dismiss the first amended complaint of all plaintiffs in this matter (1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on grounds that the complaint fails to plead a claim upon which relief can be granted, and (2) pursuant to Rule 12(b)(1) for lack of subject-matter jurisdiction.

PLEASE TAKE FURTHER NOTICE that no date is currently set for the hearing of the motion, pending the decision of plaintiffs whether to oppose the motion or file a second amended complaint in response to the motion. *See* dkt. 35 (scheduling order).

Dated: October 9, 2018

**GORDON & REES, SCULLY, MANSUKHANI LLP**

By: s/ Justin D. Lewis

Miles D. Scully (*pro hac vice* application pending)  
Peter G. Siachos  
Justin D. Lewis (*pro hac vice* application pending)  
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